

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARRYL DUNSMORE,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

No. 2:21-cv-1711 TLN AC P

FINDINGS & RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. By order filed December 15, 2022, the complaint was screened and found to not state a claim for relief. ECF No. 8. Plaintiff was given an initial thirty days to amend the complaint (id. at 7), followed by an additional twenty-one days to amend the complaint when he failed to file an amended complaint within the time provided (ECF No. 11). After plaintiff once again failed to file an amended complaint, the undersigned recommended that the complaint be dismissed for failure to state a claim. ECF No. 12. Those findings and recommendations were withdrawn after plaintiff filed a motion for an extension of time, and he was given an additional sixty days to file an amended complaint. ECF No. 14. In granting the extension, the court warned plaintiff that no further extensions of time would be granted absent a showing of extraordinary cause and failure to file an amended complaint would result in a recommendation

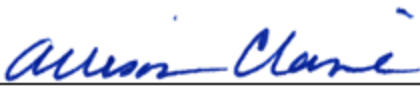
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1 that this action be dismissed without further warning. Id. at 2. Sixty days have now passed, and
2 plaintiff has not filed an amended complaint or otherwise responded to the court's order.

3 Accordingly, IT IS HEREBY RECOMMENDED that the complaint be dismissed for
4 failure to state a claim for the reasons set forth in the December 15, 2022 Screening Order (ECF
5 No. 8). See L.R. 110; Fed. R. Civ. P. 41(b); 28 U.S.C. § 1915A.

6 These findings and recommendations are submitted to the United States District Judge
7 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
8 after being served with these findings and recommendations, plaintiff may file written objections
9 with the court and serve a copy on all parties. Such a document should be captioned
10 "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that
11 failure to file objections within the specified time may waive the right to appeal the District
12 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

13 DATED: September 11, 2023.

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16 ALLISON CLAIRE
17 UNITED STATES MAGISTRATE JUDGE
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